

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DISTRICT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	NO. 4:18-CR-00320 AGF
)	
)	
MICHAEL GLADNEY,)	
)	
Defendant.)	

**THE UNITED STATES OF AMERICA’S SENTENCING MEMORANDUM
AND REQUEST FOR 135-MONTH SENTENCE**

On May 19, 2018, the Defendant and three unidentified individuals entered a store, pointed guns at multiple people, and stole over a hundred thousand dollars in merchandise. During the robbery, the suspects fired weapons and men screamed threats at the employees. The Defendant endangered the lives of multiple employees of Vincent’s Jewelers.

For the reasons set forth below, this Court can and should sentence the Defendant to 135 months of imprisonment: 51 months on Count One (the high end of the Sentencing Guidelines for Count One), to run consecutively to a seven-year term (84 months) on Count Two (the mandatory minimum for brandishing a firearm in furtherance of a crime of violence).

RELEVANT BACKGROUND¹

On May 19, 2018, the Defendant and three unidentified individuals entered Vincent’s Jeweler’s wearing dark clothing and masks; each was armed with a firearm. Two individuals possessed “assault-style” semi-automatic rifles and the Defendant possessed a handgun. Stipulation and Guilty-Plea Agreement at 3. When the Defendant entered the store, he brandished

¹ The relevant background in this case consists of key facts that were established in the Pre-Sentence Investigation Report and the Guilty Plea Agreement

his handgun. *Id.* A screenshot from the surveillance video, previously entered as evidence during a prior hearing, depicts the Defendant, wearing a white book bag on his chest, brandishing a handgun as he entered the store.²



The Defendant and one other suspect broke glass jewelry cases with a black iron pipe. A screenshot from the surveillance video depicts the Defendant, wearing a white book bag on his chest, holding the handgun while using an iron pipe to break jewelry cases.³



² Government's Exhibit #8, admitted during hearing on November 30, 2018. Doc. 61.

³ *Id.*

While the Defendant broke out the glass cases with the iron pipe, another suspect shot a round from an “assault-style” rifle into a jewelry case. PSR at ¶ 13. A screenshot from the surveillance video depicts the individual with the assault-style rifle standing across from the Defendant, firing into the jewelry cases.⁴



The Defendant and two suspects removed jewelry and placed the merchandise in a book bag the Defendant had on his chest. *Id.* The fourth suspect forced the store employees to the back of the store. *Id.* Surveillance and forensic evidence indicate that at least two shots from two different firearms were fired during the robbery. *Id.* The total monetary loss, including merchandise and damaged property was over \$183,000. *Id.* at ¶ 18. Additionally, law enforcement was able to determine that the vehicle the Defendant and the others used to facilitate the robbery was stolen approximately one hour prior to the commission of the robbery. *Id.* at ¶ 14.

ARGUMENT

Title 18, United States Code, Section 3553(a) states that the “Court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection.” Paragraph 2 sets forth the following purposes:

(a) To reflect the seriousness of the offense, to promote respect for the law, and to provide

⁴ *Id.*

just punishment for the offense;

- (b) To afford adequate deterrence to criminal conduct;
- (c) To protect the public from further crimes of the defendant;
- (d) To provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

The requested sentence of 135 months would comply with the purposes set forth above.

I. The 135-Month Sentence is Necessary to Reflect the Seriousness of the Offense and Provide Just Punishment.

The facts of this case justify a 135-month sentence. In short, Defendant's conduct was extremely serious. The Defendant made dangerous choices when he robbed the Vincent's Jewelers on May 19, 2018. For example, the Defendant pointed a gun at multiple people inside the store. Individuals with whom the Defendant committed the robbery threatened store employees, forced them to the back of the store, and at least two shots were fired during the course of the robbery. The Defendant's actions should not be underestimated – he chose to risk the lives of innocent people in order to steal jewelry.

II. The Need for Adequate Deterrence and Protection of the Public Further Justifies the 135-Month Sentence.

The need for adequate deterrence and protection of the public further justify the 135-month sentence. *See* Title 18, United States Code, Section 3553(a)(2)(b) and (c). With regard to deterrence, as discussed above, the Defendant's crime is a serious one and deserves a serious sentence. The Defendant's conduct needs to be deterred.

With regard to protecting the public, the Defendant and his cohorts could have killed multiple people on May 19, 2018. He showed a complete disregard for others and his actions reflect a desire to use guns to take what he wants from others. As a result, the need to protect the public further justifies a significant sentence.

CONCLUSION

For each of the foregoing reasons, a sentence of 135-months is warranted: 51 months on Count One (the high end of the Sentencing Guidelines for Count One), to run consecutively to a seven-year term (84 months) on Count Two (the mandatory minimum for brandishing a firearm in furtherance of a crime of violence).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2020, the foregoing was filed electronically with the Clerk of the Court to be served electronically on all counsel of record.

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